

THE CHARTER  
OF THE  
CITY OF CONNEAUT, OHIO

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EDITOR'S NOTE: The Charter of the City of Conneaut, Ohio was adopted by the voters on November 6, 1990. Dates appearing in parenthesis following a section heading indicate that those provisions were subsequently amended, adopted or repealed on the date given.

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**CHARTER**  
**of the**  
**CITY OF CONNEAUT**

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**PREAMBLE**

We, the people of the City of Conneaut, in the County of Ashtabula and State of Ohio, in order to secure for ourselves the benefits of municipal home rule and exercise all the powers of local self-government under the Constitution and laws of the State of Ohio, do adopt this Charter for our municipality.

**ARTICLE I**  
**FORM OF GOVERNMENT**

**SECTION 1. NAME.**

The name of the City shall be "City of Conneaut." Within the corporate limits as now or hereafter established, the City shall continue to be a municipal body politic and corporate in perpetuity under the laws and Constitution of the State of Ohio.

**SECTION 2. COUNCIL-MANAGER.**

The form of government hereby established shall be known as the "Council-Manager" form of government. All powers of the City shall be exercised in the manner prescribed in this Charter, or if not prescribed herein, then in such manner as shall be provided by ordinance of the Council.

**SECTION 3. HOME RULE POWERS.**

The City shall have all powers of local self-government and home rule and all powers possible for a city to have under the Constitution of the State of Ohio together with all powers that now or hereafter may be granted to municipal corporations by the laws of the State of Ohio. The enumeration of particular powers by this Charter shall not be deemed to be exclusive, and in addition to the powers enumerated herein or implied hereby, or appropriate to the exercise of such powers, it is intended that the City shall have and may exercise all powers which, under the Constitution and laws of this State, it would be competent for this Charter specifically to enumerate.

**ARTICLE II**  
**LEGISLATIVE AUTHORITY**

**SECTION 1. COUNCIL.**

There shall be a Council composed of seven (7) members: an elected President of Council and six (6) elected council members, four (4) of whom shall be elected from each ward, and two (2) at large.

**SECTION 2. QUALIFICATIONS.**

President of Council and Council members at large shall have resided in the City, and Council members from wards shall have resided in their respective wards, for at least one (1) year next preceding their election or appointment, and shall continue to reside therein during their term of office; provided however, that any elector of an area annexed to the City who shall have resided continuously in said area for not less than one (1) year next preceding a municipal election, and who is otherwise qualified, shall be eligible for election to Council at said election.

Each member of Council shall be an elector of the City, shall hold no other public office except that of Notary Public, member of the National Guard or Armed Forces Reserves, or be interested in any contract with the City; and shall hold no employment with the City. The Council shall be the judge of the qualifications of the members.

**SECTION 3. POWERS AND DUTIES.**

All legislative powers of the City shall be vested, subject to the terms of this Charter and of the Constitution of the State of Ohio, in the Council. The laws of the State of Ohio not inconsistent with this Charter, except those declared inoperative by ordinance of the Council, shall have the force and effect of ordinances of the City of Conneaut but in the event of conflict between any such law and any municipal ordinance or resolution, the provisions of the ordinance or resolution shall prevail and control.

Without limitation of the foregoing, the Council shall have the power to:

- (1) Appoint and remove the City Manager;
- (2) Appoint and remove the Clerk of Council;
- (3) Establish, abolish, combine or separate administrative departments, divisions or service units of the municipal government; except that the divisions of Police and Fire shall not be combined;
- (4) Adopt the budget of the City;
- (5) Authorize the issuance of bonds and other evidences of debt;
- (6) Inquire into the conduct of any office, department or agency of the City and make investigation as to municipal affairs;
- (7) Approve, accept and adopt plats;
- (8) Adopt and modify the official map of the City;
- (9) Adopt and amend zoning regulations;
- (10) Adopt and amend building and sanitary regulations;
- (11) Adopt and amend a fire prevention code;
- (12) Adopt, modify, refer, reject or carry out plans proposed by the Planning Commission for the clearance of slum districts and the rehabilitation of blighted areas;
- (13) Adopt, modify, reject or remove plans by the Design Review Board for the historic preservation of buildings and areas.
- (14) Council shall subdivide the City into four (4) wards of adjacent and compact territory with as well defined boundaries and as nearly equal population as practicable, and after each recurring Federal Census Council shall, if necessary, redefine the boundaries of said four (4) wards so that there is no disparity, in resident population, or more than ten percent (10%) between wards and to the extent and in the manner prescribed by general law for increasing the number of wards upon the basis of population.  
(Amended 11-2-04)

**SECTION 4. SALARIES AND SURETY BONDS.**

Council shall have the power to fix the compensation of the City Manager, the President of Council, its own members and the compensation of each officer and employee of the City, including officers and members of any board or commission of the City, whether elected or appointed, and to establish bond for the faithful discharge of the duties of office. The premium on any bond required by Council shall be paid by the City. The compensation of all elected officials shall be fixed not later than seventy-five (75) days prior to the date of the municipal election for terms of office beginning on the next succeeding first day of January, excluding both the date of the election and the date of fixing such compensation, and shall not thereafter be changed in respect to any such term or terms or any part thereof, provided, however, that the salaries of the members of Council and the President of Council elected to those offices at the first election under this Charter shall be in the same amounts as the salaries for those offices in the municipal government immediately prior to the effective date of this Charter. The salaries of appointed officials shall not be reduced during their term of appointment unless requested by the City Manager. The Council may authorize the payment or reimbursement of expenses incurred in the furtherance of the interest of the City by any official, employee, or member of any department, board or commission of the City.

(Amended 11-2-04)

**SECTION 5. ELECTION.**

Except as otherwise provided by this Charter or by ordinance of Council, municipal elections shall be conducted in accordance with the provisions of general law.

Members of Council shall hold their office for two (2) years beginning January 1st of 2012, except the President of Council and At-Large Council members who shall complete their current term, which end December 31, 2013. They shall serve until their successors are elected or appointed and qualified. They shall be nominated by petition signed by not less than twenty-five (25) of the registered electors of the City or of their ward in the case of ward Council members and their names shall appear on a non-partisan ballot without party designation. The nomination of each candidate shall be made by a separate petition, but such petition may be circulated in separate parts, which shall be filed with the Board of Elections as one (1) instrument, not later than ninety (90) days prior to the date of holding the regular municipal election.

(Amended 11-4-97.) (Amended 11-2-04) (Amended 11-3-10) (Amended 11-8-11)

**SECTION 6. ORGANIZATION.**

Within three (3) days after the first day of January in even years, the Council shall meet in the Council rooms and shall organize. Thereafter, the Council shall meet regularly at such times as may be prescribed by its rules, but not less frequently than twice each month. Executive sessions may be held as governed by Section 121.22 of the Ohio Revised Code.

**SECTION 7. PRESIDENT OF COUNCIL.**

The President of Council shall be the official and ceremonial head of the municipal government, shall attend and preside at all meetings of Council, shall participate in the deliberations thereof, and shall have the right to vote.

**SECTION 8. PRESIDENT PRO-TEM OF COUNCIL.**

At its organization meeting, the Council shall elect, from its membership, a President Pro-Tem of Council who shall act as President during the absence or disability of the President. The President Pro-Tem of Council and successor, if any, shall serve until the next organization meeting except upon resignation as President Pro-Tem, or upon ceasing in the meantime to be a member of Council, or being removed by a vote of not less than two-thirds (2/3) of the members of Council, in which event the Council shall proceed to elect a successor.

**SECTION 9. CLERK OF COUNCIL.**

The Council shall appoint, from outside its membership, a competent person who shall have the title of Clerk of Council, shall give notice of its meetings, shall keep the journal of its proceedings, shall authenticate by signature and record in full in a book kept for the purpose of all ordinances and resolutions and shall perform such other duties as shall be required by this Charter or by ordinance. The office of Clerk of Council may be combined with that of any administrative office except that of City Manager.

**SECTION 10. VACANCIES.**

The office of an elected officer of the City shall become vacant upon death, resignation, recall, conviction of a crime involving moral turpitude, absence from all Council meetings for three (3) consecutive months without being excused by Council, or if Council determines by resolution that he does not possess the qualifications set forth in Section 2 of this Article.

A simple majority vote of the remaining members of Council is required in selecting a replacement and such replacement shall be selected within thirty (30) days. If, after the specified time Council is unable to agree on a replacement, then the President of Council shall select a replacement. The replacement shall serve out the remainder of the unexpired term. An exception shall be that any vacancy resulting from a recall election shall be filled in the manner provided in Section 705.92 of the Revised Code of Ohio or any amendment thereto.

**SECTION 11. MEETINGS.**

The Council shall meet in regular session at least twice each month at such times and places as are fixed by ordinance. The Clerk shall call special sessions of the Council upon request of the President of Council or of any three (3) members. Any such request shall state the subject to be considered at such special meeting, and no action shall be taken on any other subject.

**SECTION 12. COUNCIL NOT ADMINISTRATIVE.**

Neither President of Council, Council, nor any of its members shall initiate or request the appointment of any person to, or the removal from office by the City Manager or by any of the City Manager's subordinates, nor in any manner take part in the appointment or removal of employees under the department heads. Except for the purpose of inquiry, the Council and its members shall deal with the administrative service solely through the City Manager and neither the Council nor any member thereof shall give orders to any subordinates of the City Manager, either publicly or privately.

**SECTION 13. DEPARTMENTAL ORGANIZATION.**

The Council, by ordinance, may create, change, and abolish offices, departments or agencies, but shall not abolish any office, department or agency established by this Charter. The Council, by ordinance, may assign additional functions or duties to offices, departments or agencies established by this Charter, function or duty assigned by this Charter to a particular office, department or agency.



### ARTICLE III LEGISLATIVE PROCEDURES

#### SECTION 1. QUORUM.

A majority of all members of Council shall constitute a quorum. The affirmative vote of a majority of all members of Council is necessary to adopt any motion, resolution or ordinance unless otherwise provided in this Charter.

#### SECTION 2. RULES OF PROCEDURE: JOURNAL.

The Council shall determine its own rules and order of business and where no rule has been adopted, Robert's Rules of Order shall be followed. It shall keep a journal of its proceedings and the journal shall be open to public inspection.

#### SECTION 3. FORM OF LEGISLATIVE ACTION.

A. In Writing. All legislative action by Council shall be by ordinance or resolution introduced in written or printed form.

B. One Subject. No ordinance or resolution shall contain more than one subject matter, which subject shall be clearly expressed in its title.

C. Three Readings. Every ordinance or resolution shall be read at three different Council meetings, provided that this requirement may be dispensed with by a three-fourths (3/4) vote of the members of Council eligible to vote. Ordinances and resolutions shall be deemed to have been read if a written or printed copy of the ordinance or resolution shall have been furnished to each member of Council prior to its introduction and if the title thereof is fully read, provided that at the request of at least two (2) members of Council such ordinance or resolution shall be read in full.

D. Revisions and Amendments. No ordinance or resolution shall be revised or amended unless the entire language of the section being amended is included in the ordinance or resolution; in which case, the original section of the ordinance or resolution shall be repealed.

E. Effective Date. An ordinance or resolution which under Section 3G of this Charter may become effective upon its passage as is specified in such ordinance or resolution shall and shall be published or posted as aforesaid, without postponing the effective date thereof.

F. Posting and Publishing. Notice of the adoption of ordinances and resolutions of a general or permanent nature shall be given by publishing one (1) time in a newspaper of general circulation in the City within fifteen (15) days following the adoption thereof and making a copy thereof available to public inspection by posting in the City Hall. It shall be sufficient to publish by title only. In the publication of ordinances or resolutions relating to improvements, the advertisement may contain the title, number and date of passage, a concise description of the private property affected, a summary of the nature of the improvement, the rate of any assessment levied or to be levied, and a reference to the copy which shall be on file with the Clerk of Council.

G. Emergency Clause. Each ordinance or resolution providing for (a) the appropriation of money, (b) an annual tax levy, and (c) improvements petitioned for by the owners of a majority of the foot frontage of the property benefitted and to be specifically assessed therefor, and (d) any emergency ordinance or resolution necessary for the immediate preservation of the public peace, health or safety, shall take effect, unless a later time be specified therein, upon its passage. No other ordinance or resolution shall go into effect until thirty days after its final passage by Council. Each emergency measure shall contain a statement of the necessity for such emergency action and shall require the affirmative vote of two-thirds of the members of Council eligible to vote for its enactment. No action of Council (a) providing for the surrender or joint exercise by the municipality of any of its powers, (b) granting any franchise, (c) contracting for the supply to the municipality or its inhabitants of the product or service of any utility, whether municipally owned or not, or (d) establishing salaries for elected officers, shall be taken as an emergency measure.

H. Voting. An affirmative vote of at least a majority of the members of Council eligible to vote shall be required for the passage or enactment of every ordinance or resolution.

#### **ARTICLE IV ADMINISTRATIVE AUTHORITY**

##### **SECTION 1. CITY MANAGER.**

There shall be a City Manager who shall be the chief executive officer and administrative head of the City and shall be appointed by a majority vote of the Council for an indefinite term.

##### **SECTION 2. QUALIFICATIONS.**

The City Manager shall be selected on the basis of executive and administrative qualifications requiring a bachelor's degree in public administration or business administration with a minimum of five (5) years experience in an executive-level public administration position, or a bachelor's degree with a minimum of seven (7) years experience in an executive-level public administration position. At the time of appointment, the City Manager need not be a resident of the City or State, but during a time period allowed by Council, shall reside within the City.

No member of Council may be appointed City Manager while serving on Council or within one (1) year thereafter. (Amended 11-8-11)

##### **SECTION 3. POWERS AND DUTIES.**

The City Manager shall be responsible to the Council for the proper administration of all the affairs of the City. Subject to the provisions of this Charter, the City Manager shall have the authority and be required to:

- (1) See that this Charter and the ordinances and resolutions of the City are faithfully observed and enforced;
- (2) Appoint and, when necessary for the good of the service, remove all officers and employees of the City, not selected or appointed by the Council, in the manner provided by this Charter;
- (3) Prepare the tax budget, the annual budget and appropriation ordinance, submit them to Council for approval, and administer the appropriations made by Council;
- (4) Keep the Council informed of the current financial condition and future needs of the City;
- (5) Sign all contracts, bonds, notes and certificates of indebtedness on behalf of the City;

- (6) Serve as a consultant to the Planning Commission of the City;
  - (7) Attend all meetings of the Council at which his attendance is required by that body;
  - (8) Recommend measures for adoption to the Council;
  - (9) Appoint the members of the Civil Service Commission;
  - (10) Appoint the members of the City Planning Commission;
  - (11) Appoint the members of the Board of Zoning Appeals;
  - (12) Establish, abolish, combine, or separate and appoint members to such other boards or commissions as it deems necessary except as otherwise provided in this Charter;
  - (13) Appoint such advisory committees as seem to him desirable, and discharge them when, in his judgment, their function has been completely served;
  - (14) Delegate to subordinate officers and employees of the City any duties conferred upon him by this Charter or by action of Council and hold them responsible for the faithful discharge of such duties;
  - (15) Perform such other duties, not inconsistent with this Charter, as may be required by the Council.
  - (16) The City Manager shall have charge of the administration of all programs relating to public safety including the Divisions of Police and Fire and shall perform such services as are required by ordinance.
- (Amended 11-2-04)

#### **SECTION 4. ABSENCE OR DISABILITY OF THE CITY MANAGER.**

The City Manager shall designate one or more qualified officers of the City to perform the City Manager's duties during temporary absence or disability, and any person or persons so designated are hereby authorized to perform the duties of the City Manager during the absence or disability of the City Manager, or during such time as there is no City Manager by reason of death, resignation, removal from office, or otherwise.

#### **SECTION 5. TENURE.**

The City Manager shall serve at the will of Council. The City Manager shall be removed by a majority vote of the members of Council. (Amd. 11-6-12)

#### **SECTION 6. INTERIM CITY MANAGER.**

If needed, Council shall be authorized to appoint an interim City Manager for a period of not more than ninety (90) days.

#### **SECTION 7. ADMINISTRATIVE DEPARTMENTS.**

In addition to the departments established by this Charter, Council may establish by resolution such other departments and divisions as it shall deem necessary. The work of each department may be distributed among such divisions thereof as may be established by resolution upon a recommendation of the City Manager. In the absence of such a resolution, the City Manager may establish temporary divisions and distribute the work load among them.

**SECTION 8. HEADS OF DEPARTMENTS.**

At the head of each department there shall be a director, appointed by the City Manager, who shall have supervision and control of the department subject to the City Manager.

Two or more departments may be headed by the same person and directors of departments may also serve as heads or chiefs of divisions. The City Manager may act as director of one or more departments, except as Director of Finance or Director of Law.

**ARTICLE V  
BUDGETING AND APPROPRIATIONS****SECTION 1. BUDGET.**

The financial affairs of the City shall be controlled by a budget system. The City Manager, with the assistance of the Director of Finance, shall prepare an annual budget in such form and detail as Council may request.

**SECTION 2. APPROPRIATION ORDINANCE.**

At or before the first meeting of the year in which said budget is to become effective, the Council shall adopt an appropriation ordinance in which appropriations shall not exceed the estimated revenues of the municipality. Such ordinance may provide for an interim appropriation, but in such event an annual appropriation ordinance shall be adopted not later than the time provided by General Law. Such appropriation may be amended as necessary from time to time by ordinance, but at no time shall the total budget as certified be exceeded.

**ARTICLE VI  
DEPARTMENT OF FINANCE****SECTION 1. DIRECTOR.**

There shall be a Department of Finance, the head of which shall be the Director of Finance who shall be appointed or removed by the City Manager, with the advice and consent of a majority vote of the members of Council. (Amended 11-6-12)

**SECTION 2. QUALIFICATIONS.**

The Director of Finance shall have knowledge of municipal accounting and taxation and shall have had experience in budgeting and financial control. The Director of Finance need not be a resident of the City or State at the time of appointment, but within a period of not more than six (6) months, shall reside within the City.

**SECTION 3. SALARY.**

The Director of Finance shall receive such salary as may be established by ordinance.

**SECTION 4. SURETY BOND.**

The Director of Finance shall provide a bond with such surety and in such amount as the Council may require by ordinance. The premium on said bond shall be paid by the City.

**SECTION 5. POWERS AND DUTIES.**

The Director of Finance shall have charge of the administration of the financial affairs of the City under the direction of the City Manager and to that end shall have authority and shall be required to:

- (1) Prepare and submit the current income and expense estimates for the budget as directed by the City Manager;
- (2) Supervise and be responsible for the disbursement of all monies and control all expenditures so that appropriation and cash resources are not exceeded;
- (3) Maintain a general accounting system for the City government; keep accounts for and exercise budgetary control over each office, department and agency; keep separate appropriate accounts, each of which shall show the amount of appropriation, the encumbrances thereon, the amounts expended therefrom, and the unencumbered balance therein; require reports of receipts and disbursements from each receiving and disbursing agency of the City government at such intervals as the Director of Finance may deem expedient and in such form as required by the Director;
- (4) Submit to the City Manager upon request but not less often than monthly, a statement of receipts and disbursements and account balances in sufficient detail to show the financial condition of the City;
- (5) Prepare for the City Manager, as of the end of each fiscal year, a complete financial statement and report;
- (6) Receive and record all fees and revenues due the City;
- (7) Have custody of all public funds belonging to or under control of the City or any office department or agency of the City government and deposit said funds in such depositories as may be designated by resolution of the Council;
- (8) Have custody of all investments and invested funds of the City government or in possession of such government in a fiduciary capacity; make all investments on behalf of the City after consultation with the City Manager and Director of Law; and have the safekeeping of all bonds and notes of the City and the receipt and delivery of City bonds and notes for transfer, registration or exchange;
- (9) Perform such other services, not inconsistent with this Charter, as may be required by either the City Manager or the Council.

**SECTION 6. PAYMENT OF CLAIMS.**

No warrant for the payment of any claim shall be issued by the Director of Finance until such claim shall have been approved by the head of the department or agency and by the City Manager for which the indebtedness was incurred. Such officers and their sureties shall be liable to the municipality for any loss or damage sustained by the municipality by reason of the corrupt approval of any such claim against the municipality. Whenever any claim shall be presented, the Director of Finance shall have power to require evidence that the amount of the claim is justly due and is in conformity to law and ordinance; and for that purpose may summon any officer, agent or employee of any department of the municipality.

**SECTION 7. CERTIFICATION OF FUNDS.**

No contract, agreement, or other obligation involving the expenditure of money shall be entered into unless the Director of Finance shall have first certified that the money required for such contract, agreement, obligation or expenditure is in the treasury to the credit of the fund from which it is to be drawn and not appropriated for any other purpose. The sum so certified shall not thereafter be considered unappropriated until the City is discharged from the contract, agreement, or obligation; but the provisions of this Section shall not be construed as prohibiting the making of contracts for the furnishing of services of public utilities for a period extending beyond a single fiscal year when such contracts are otherwise authorized by this Charter, by ordinance, or by General Law.

**SECTION 8. INTERPRETATION.**

All monies actually in the treasury to the credit of the fund from which they are to be drawn, and all monies applicable to the payment of the obligation or appropriation involved, that are anticipated to come into the treasury before the maturity of such contract, agreement, or obligation, from taxes, assessments, or license fees, or from sales of services, products, or by-products of any City undertaking, and monies to be derived from lawfully authorized notes or bonds sold and in process of delivery shall, for the purpose of such certificate, be deemed to be in the treasury to the credit of the appropriate fund, and shall be subject to such certification.

**SECTION 9. BONDS AND NOTES.**

The issuance of bonds and notes of the City and all special assessment proceedings shall be in accordance with the provisions of state law except as otherwise provided in this Charter or by ordinance of Council.

**SECTION 10. TEMPORARY LOANS.**

In anticipation of the collection of current revenues in any fiscal year, the City may borrow money and issue evidence of indebtedness therefor, signed as municipal bonds are signed, but no such loans shall be made to exceed the amount estimated to be actually received from taxes or other current revenues for such fiscal year, after deducting all advances. The sum so anticipated shall be deemed appropriated for the payment of such debt.

**ARTICLE VII  
DEPARTMENT OF PUBLIC SAFETY**

Article VII, Sections 1, 2, 3, and 4 were repealed in their entirety at the General Election held on November 2, 2004.

**ARTICLE VIII  
DEPARTMENT OF PUBLIC SERVICE****SECTION 1. DIRECTOR.**

There shall be a Department of Public Service, the head of which shall be the Director of Service who shall be appointed by the City Manager.

**SECTION 2. SALARY.**

The Director of Service shall receive such salary as may be established by ordinance.

**SECTION 3. SURETY BOND.**

The Director of Service shall provide a bond with such surety and in such amount as the Council may require by ordinance. The premium on said bond shall be paid by the City.

**SECTION 4. POWERS AND DUTIES.**

The Director of Service shall have charge of the administration of all divisions within the department including streets, sidewalks, parks, and cemeteries. The Director of Service shall perform such services as may be assigned by the City Manager.  
(Amended 11-8-11)

**ARTICLE IX  
DEPARTMENT OF LAW****SECTION 1. DIRECTOR.**

There shall be a Department of Law, the head of which shall be the Director of Law who shall be appointed or removed by the City Manager, with the advice and consent of a majority vote of the members of Council. (Amended 11-6-12)

**SECTION 2. QUALIFICATIONS.**

The Director of Law shall be an Attorney at Law, admitted to practice before the Supreme Court of Ohio, be in good professional standing and upon appointment, need not be a resident of the City or State, but within a period of not more than six (6) months, shall reside within the City.

**SECTION 3. SALARY.**

The Director of Law shall receive such salary as may be established by ordinance.

**SECTION 4. POWERS AND DUTIES.**

The Director of Law shall be legal advisor to the Council, to all offices, departments and agencies, and to all officers and employees in matters relating to their official powers and duties, shall perform such services as are required by ordinance or as may be assigned by the City Manager. The Director of Law shall appoint such assistants as are authorized by ordinance and shall represent the City in all legal proceedings.

**ARTICLE X  
INITIATIVE, REFERENDUM AND RECALL****SECTION 1. INITIATIVE AND REFERENDUM.**

The powers of initiative and referendum are reserved to the people of the City. Ordinances and other measures may be proposed by initiative petition and adopted by election, and ordinances and other measures adopted by the Council shall be subject to referendum, to the extent and in the manner now or hereafter provided by the Constitution or the laws of Ohio, except as otherwise provided in this Charter.

**SECTION 2. RECALL.**

The power of recall of elected officials of the City is reserved to the people of the City. The procedure to be followed shall be as provided by state statute except that a petition for recall shall require the signature of registered electors of the City equal in number to twenty percent (20%) of the number of registered electors that voted in the last election for the office of recall (20% of applicable number of Ward electors for a Ward person recall or 20% of the number of City electors for President or Council At Large office).

A recall may be started by filing with the Clerk of a petition signed by at least the minimum number of qualified voters requesting that a Council member, named in the petition be removed from office. The Clerk, finding the petition sufficient, shall certify to the Board of Elections of Ashtabula County, to be placed on the ballot at the next succeeding Municipal or State election occurring not less than seventy-five (75) days thereafter, the question: "Shall John Doe (using the name of the Councilperson in the petition) be recalled from the office as Councilperson in the City of Conneaut" "Yes or No." If at the election, a majority of the votes cast on the question shall be in favor of recall, the Council member shall forthwith retire from office and the Council shall fill the vacancy thus created in the manner provided in this Charter. No recall petition shall be filed against a Council member during his first six (6) months in office. If a Council member is not recalled by the election, no further recall petitions may be filed against him for a period of one (1) year.

No person removed by recall shall be eligible to be elected or appointed to any office of the City for a period of two (2) years after the date of such recall.  
(Amended 11-2-04)

**ARTICLE XI  
BOARDS AND COMMISSIONS****SECTION 1. CIVIL SERVICE COMMISSION.**

There shall be a Civil Service Commission composed of three (3) registered electors of the City not holding any other municipal office of employment, each of whom shall be appointed by the City Manager for a term of six (6) years. At the time of any appointment, not more than two (2) members shall be adherents of the same political party. Any vacancy occurring during the term of any member of said Commission shall be filled for the unexpired term in the manner the original appointment was made.

The Civil Service Commission shall adopt rules and shall provide by rule for the ascertainment of merit and fitness as the basis for appointment and promotion in the service of the City and shall establish such other rules for control of promotion in the services as it determines to be for the best interest of the City.

Members of the Civil Service Commission shall serve without compensation unless otherwise provided by ordinance. A sufficient sum shall be appropriated by the Council to carry out the Civil Service provisions of this Charter.

**SECTION 2. CITY PLANNING COMMISSION.**

There shall be a City Planning Commission composed of at least three (3) members who shall be electors of the City, who shall serve without compensation and who shall be appointed by the City Manager for terms of six (6) years each.



The City Planning Commission shall have the power to appoint or employ such architects, engineers and other employees as said commission shall deem necessary to perform its functions, but the expenditure for such purpose shall be within the amounts appropriated by Council therefor. City employees and contractors may be empowered to serve as staff to the City Planning Commission.

Except as otherwise provided by Charter or ordinance of Council, the City Planning Commission shall have all of the powers and duties conferred upon such commissions by the laws of the State of Ohio.

The City Planning Commission shall have authority to adopt rules and regulations not inconsistent with this Charter or ordinances of Council.

### **SECTION 3. BOARD OF ZONING AND BUILDING STANDARDS APPEALS.**

There shall be a Board of Zoning and Building Standards Appeals composed of at least five (5) electors of the City who shall be appointed by the City Manager for terms of five (5) years each.

The Board of Zoning and Building Standards Appeals shall organize and shall adopt rules and regulations for its own operation not inconsistent with general law or ordinance of Council. The Board of Zoning and Building Standards Appeals shall have the following duties and powers:

- (1) To hear and decide appeals made for exceptions to, variance of and overruling of resolutions, ordinances, regulations, measures and orders governing zoning and building in the municipality;
- (2) To keep minutes of all its proceedings which shall be open to the public;
- (3) To do and perform such other duties and functions as may be imposed upon it by ordinance and resolutions of Council.

Members of the Board of Zoning and Buildings Standards Appeals shall serve without compensation unless otherwise provided by ordinance. A sufficient sum shall be appropriated by Council to carry out the planning, zoning and provisions of this Charter.

Any vacancy on the Board of Zoning and Building Standards Appeals shall be filled for the unexpired term.

### **SECTION 4. OTHER EXISTING BOARDS AND COMMISSIONS.**

All existing Boards and Commissions shall remain as established by ordinance. Any vacancy on any of the existing boards and commissions shall be filled for the unexpired term.

## **ARTICLE XII UTILITIES**

### **SECTION 1. POWERS.**

The City of Conneaut shall have, possess and exercise all powers of local self-government granted to it under the Constitution of the State of Ohio with respect to the regulation and control of privately-owned public utilities and with respect to the operation and maintenance of municipally-owned utilities.

**SECTION 2. SUPERVISED BY CITY MANAGER.**

Any utilities owned or operated by the City shall be under the general supervision and control of the City Manager.

**SECTION 3. SALE.**

No sale of any municipal utility shall occur without the approval of the electorate.

**ARTICLE XIII  
AMENDMENTS****SECTION 1. METHOD OF AMENDMENT.**

Amendments to this Charter may be framed and submitted to the electors of the City by a Charter Committee in the manner provided by law for framing and submitting a new Charter. Amendments may also be proposed and submitted by ordinance passed by a vote of a majority of the members of the City Council, by a Charter Review Committee as defined in Section 2 of this Article, or by a petition signed by not less than ten percent (10%) of the qualified electors of the City, setting forth any proposed amendment, and filed with the Clerk of Council in accordance with the provisions of Section 1 of Article X of this Charter, whereupon the Council shall forthwith provide by ordinance for submitting such proposed amendment to a vote of the electors.

Any ordinance for submitting a Charter amendment to the electors shall provide that such amendment be submitted at the next general election in November if one shall occur not less than ninety (90) days after the passage of the ordinance; otherwise, it shall provide for the submission of the amendment at a special election to be called and held within the time aforesaid. Not less than thirty (30) days prior to an election on a Charter amendment the Clerk of Council shall mail a copy of the proposed amendment to each elector whose name appears upon the registration books of the last regular November election, or publish said proposed amendment in newspapers of general circulation, within the City limits, pursuant to State law. If a proposed amendment be approved by a majority of the electors voting thereon, it shall become a part of the Charter at the time fixed therein.

(Amended 11-2-04; 11-8-11).

**SECTION 2. CHARTER REVIEW COMMITTEE.**

During the month of January, 1997, and at least every seven (7) years thereafter, Council shall appoint a Committee of seven (7) qualified electors holding no other office or employment in the government of the municipality of the City to constitute a Charter Review Committee. The Committee shall review the Charter and, not less than ninety (90) days prior to the next November election, shall file with the Board of Elections its resolution proposing such amendments as the Committee deems advisable. All such amendments shall be submitted to the electorate at the next November general election.

The members of the Charter Review Committee shall serve without compensation and the Committee shall cease to function on the day of the next November general election following its appointment.

Council shall provide for the reasonable expenses of the Charter Review Committee.

**SECTION 3. SEPARABILITY.**

If any Section or part of Section of this Charter or any amendment thereof shall be held invalid by a court of competent jurisdiction, such holding shall not thereby invalidate any other Section or part hereof.

**ARTICLE XIV  
SUCCESSION IN GOVERNMENT****SECTION 1. EFFECT OF CHARTER ON EXISTING LAW.**

A. All laws and parts of laws relating to or affecting the City of Conneaut in force when this Charter shall take effect are hereby repealed and superseded to the extent that the same are inconsistent with the provisions of this Charter.

B. Insofar as the provisions of this Charter are the same in terms or in substance and effect as provisions of law in force when this Charter shall take effect, relating to or affecting the City of Conneaut, the provisions of this Charter are intended to be not a new enactment but a continuation of such provisions of law, and this Charter shall be so construed and applied.

**SECTION 2. RIGHTS OF OFFICERS AND EMPLOYEES PRESERVED.**

Nothing in this Charter contained, except as specifically provided, shall affect or impair the rights or privileges of officers or employees of the City or of any office, department or agency existing at the time when this Charter shall take effect, or any provision of law in force at the time when this Charter shall take effect and not inconsistent with the provisions of this Charter, in relation to the personnel, appointment, ranks, grades, tenure of office, promotion, removal, pension and retirement rights, civil rights or any other rights or privileges of officers or employees of the City or any office, department or agency thereof.

**SECTION 3. CONTINUATION OF PRESENT OFFICERS.**

All persons holding administrative office at the time this Charter takes effect shall continue in office and in the performance of their duties until provision shall have been made in accordance therewith for the performance of such duties or the discontinuance of such office. The powers conferred and the duties imposed upon any office, department or agency of the City by the laws of the State shall, if such office, department or agency, be abolished by this Charter, or under its authority, be thereafter exercised and discharged by the office, department or agency designated by the Council unless otherwise provided herein.

**SECTION 4. TRANSFER OF RECORDS AND PROPERTY.**

All records, property and equipment whatsoever of any office, department or agency or part thereof, all the powers and duties of which are assigned to any other office, department or agency by this Charter, shall be transferred and delivered to the office, department or agency to which such powers and duties are so assigned. If part of the powers and duties of any office, department or agency or part thereof are by this Charter assigned to another office, department or agency, all records, property and equipment relating exclusively thereto shall be transferred and delivered to the office, department or agency to which such powers and duties are so assigned.

**SECTION 5. CONTINUITY OF OFFICES, DEPARTMENTS OR AGENCIES.**

Any office, department or agency provided for in this Charter with a name or with powers and duties the same or substantially the same as those of an office, department or agency heretofore existing shall be deemed to be a continuation of such office, department or agency and shall exercise its powers and duties in continuation of their exercise by the office, department or agency by which the same were heretofore exercised and shall have power to continue any business, proceeding or other matter within the scope of its regular powers and duties commenced by an office, department or agency by which such powers and duties were heretofore exercised. Any provision in any law, rule, regulation, contract, grant or other document relating to such a formerly existing office, department or agency, shall, so far as not inconsistent with the provisions of this Charter, apply to such office, department or agency provided for by this Charter.

**SECTION 6. CONTINUANCE OF CONTRACTS AND PUBLIC IMPROVEMENTS.**

All contracts entered into by the City, or for its benefit, prior to the taking effect of this Charter, shall continue in full force and effect. Public improvements for which legislative steps have been taken under laws existing at the time this Charter takes effect may be carried to completion as nearly as practicable in accordance with the provisions of such existing laws and Charter provisions.

**SECTION 7. PENDING ACTIONS AND PROCEEDINGS.**

No action or proceedings, civil or criminal, pending at the time when this Charter shall take effect, brought by or against the City or any office, department or agency or officer thereof, shall be affected or abated by the adoption of this Charter or by anything therein contained; but all such actions or proceedings may be continued notwithstanding that functions, powers and duties of any office, department or agency or officer party thereto may be or under this Charter be assigned or transferred to another office, department or agency or officer, but in that event the same may be prosecuted or defended by the head of the office, department or agency to which such functions, powers and duties have been assigned or transferred by or under this Charter.

**SECTION 8. WHEN PROVISIONS TAKE EFFECT.**

For the purpose of submitting the question provided for in Section 1 of Article II, and for the purpose of nominating and electing members of Council in November, 1991, the Charter shall be in effect from and after the date of its approval by the electors. For all other purposes the Charter shall be in effect on and after January 1, 1992.

**ARTICLE XV  
SPECIAL SEARCH COMMITTEE****SECTION 1. FORMATION OF SEARCH COMMITTEE.**

To prepare for any vacancy of the City Manager, Council may within thirty (30) days of said termination/resignation select thirteen (13) members from the electorate to form a Search Committee to recruit, evaluate and identify prospective candidates for the position of City Manager.

(Amended 11-8-11)

**SECTION 2. MAKE-UP OF SEARCH COMMITTEE.**

The Search Committee should ideally consist of two (2) members representing the business/professional community, two (2) members representing industry, two (2) educators representing the City School District, two (2) members of City Council, two (2) members from the community at-large, one (1) representative of the Conneaut Port Authority, one (1) representative of the Conneaut Chamber of Commerce and one (1) representative of the Conneaut Ministerial Association. (Amended 11-8-11)

**SECTION 3. DUTIES AND RESPONSIBILITIES OF SEARCH COMMITTEE.**

The Search Committee may be charged with advertising for candidates, recruitment of candidates and identification of those candidates deemed most qualified based upon credentials, experience, education, and initial interviews. The Committee shall then recommend not less than five (5) candidates, but not limited to five (5), or further scrutiny and evaluation by City Council. Responsibility for making the final selection is vested with City Council.  
(Amended 11-8-11)

**SECTION 4. COMPENSATION, FUNDING AND COMMITTEE TENURE.**

Members of the Search Committee shall serve without compensation. Adequate funding shall be appropriated by City Council to cover related expenses incurred by the Committee. Upon completion of their task, said Committee shall cease to exist or function.  
(Amended 11-8-11)

